

TENNESSEE CODE ANNOTATED
© 2015 by The State of Tennessee
All rights reserved

*** Current through the 2015 Regular Session and amendments approved at the November 4, 2014 General Election ***

Title 39 Criminal Offenses
Chapter 13 Offenses Against Person
Part 1 Assaultive Offenses

Tenn. Code Ann. § 39-13-107 (2015)

First of 2 versions of this section

39-13-107. Fetus as victim. [Effective until July 1, 2016. See the version effective on July 1, 2016.]

(a) For the purposes of this part, "another," "individuals," and "another person" include a human embryo or fetus at any stage of gestation in utero, when any such term refers to the victim of any act made criminal by this part.

(b) Nothing in this section shall be construed to amend the provisions of § 39-15-201, or §§ 39-15-203 -- 39-15-205 and 39-15-207.

(c) (1) Nothing in subsection (a) shall apply to any lawful act or lawful omission by a pregnant woman with respect to an embryo or fetus with which she is pregnant, or to any lawful medical or surgical procedure to which a pregnant woman consents, performed by a health care professional who is licensed to perform such procedure.

(2) Notwithstanding subdivision (c)(1), nothing in this section shall preclude prosecution of a woman for assault under § 39-13-101 for the illegal use of a narcotic drug, as defined in § 39-17-402, while pregnant, if her child is born addicted to or harmed by the narcotic drug and the addiction or harm is a result of her illegal use of a narcotic drug taken while pregnant.

(3) It is an affirmative defense to a prosecution permitted by subdivision (c)(2) that the woman actively enrolled in an addiction recovery program before the child is born, remained in the program after delivery, and successfully completed the program, regardless of whether the child was born addicted to or harmed by the narcotic drug.

HISTORY: Acts 1989, ch. 591, § 1; 2011, ch. 408, § 1; 2012, ch. 1006, §§ 3, 4; 2014, ch. 820, §§ 1, 2.